

**FILED**FEB 15 2017  
1145CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_  
Deputy *[Signature]*

RHONDA FLEMING,  
 JEANETTE DRIEVER,  
 CHARLSA LITTLE,  
 Plaintiffs,

v.

No. 7:17-cv-00009-0

BARACK HUSSEIN OBAMA, former President,  
 DEMOCRATIC NATIONAL COMMITTEE,  
 DEBBIE WASSERMAN-SCHULTZ, former Chairperson of DNC,  
 ERIC HOLDER, former Attorney General,  
 LORETTA LYNCH, former Attorney General,  
 DEPARTMENT OF JUSTICE-BUREAU OF PRISONS,  
 THOMAS KANE, Director of BOP,  
 JODY R. UPTON, Warden of FMC Carswell,  
 Lt. SOZA, SIS Officer,  
 ALL UNKNOWN GOVERNMENT & DEMOCRATIC NATIONAL COMMITTEE  
 EMPLOYEES, IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES,  
 Defendants.

**AMENDED COMPLAINT**

The Plaintiffs file this Amended Complaint pursuant to **Bivens**, for the Defendants' actions against the Plaintiffs, allowing biological males that identify as females, to be housed and access intimate facilities, with natural born females, at a women's federal prison, conduct which has occurred nationwide.

The Defendants actions violated the Plaintiffs' U.S. Constitutional rights under the 8th Amendment, to be free from Cruel and Unusual Punishment, the 14th Amendment, Equal Protection, as well as, the Plaintiffs' 1st Amendment right to petition the courts without harassment or retaliation.

As believers in Jesus Christ and His teachings, the Plaintiffs rights were violated by the Defendants, when their religious liberty to practice the tenets of their faith were curtailed. The Defendants forced the Plaintiffs to expose themselves to the nudity of men and expose their nude bodies to men, denying their sincerely held beliefs of modesty, their right to physical privacy, and dignity, in violation of the Restoration of Religious Freedom Act. The Defendants completely disregarded the fundamental rights of all humans to bodily privacy.

The Defendants violated longstanding principles and practices of separate intimate facilities for men and women, without complying with the Administrative Procedure Act's notice and comment requirement of Section 553.

The Plaintiffs move for relief from present and continuous injury inflicted by the Defendants pursuant to 28 U.S.C. § 1651(a), All Writs Act, 28 U.S.C. § 2201, the Declaratory Judgment Act, and any other federal laws the Court may choose to use to prevent the misconduct of the Defendants. The Court has jurisdiction in accordance with 28 U.S.C. §§ 1331 and 1343.

#### SPECIFIC VIOLATIONS BY THE DEFENDANTS AGAINST THE PLAINTIFFS

The Plaintiffs beliefs are that "sex" is an individual's biological sex, determined at the time of birth by the individual's anatomy, physiology, and chromosomes, beliefs which comport with worldwide religious teachings.

Christian and Jewish tenets of the Plaintiffs' faith prohibit exposing their bodies or being exposed to the opposite sex nude body. Physical privacy and personal modesty spring from the physical conditions and unique characteristics of the sexes, requiring separate intimate facilities.

The Defendants, for partisan political purposes and incumbency protection, conspired to deprive the Plaintiffs and other citizens of their religious liberty, right to bodily privacy, and equal protection under the law, by enacting regulations, guidelines, directives, and policies, to be applied nationwide, giving transgender persons special rights--access to intimate facilities of the opposite sex and/or single use facilities.

The Defendants transgender regulations, which were given as a mandate to all federal departments and agencies, that transgender persons would have access to intimate facilities, that did not correspond with their sex at birth, violated long established practices of separate intimate facilities based on sex, without complying with the APA, Section 553. Prior to the Obama Administration, no biological males had ever been housed with female inmates in the history of the federal prison system--an obvious substantive change in policy that even federal judges did not know about as they sentenced women to these facilities.

The Plaintiffs have been forced to share intimate facilities with men, who allege they are women. These men openly express their sexual desire for the women inmates, at times, in the showers and bathrooms, while women are

naked or partially clothed. These men expose themselves, intentionally, for their own sexual gratification, causing the Plaintiffs to suffer disgust, embarrassment, humiliation, stress, degradation, fear, and loss of dignity. The Plaintiffs are in a continual state of distress whenever entering intimate areas of the prison.

The Defendants placed the Plaintiffs under circumstances that amount to cruel and unusual punishment. The Defendants political party created a platform to include fringe groups to increase their voter base, knowing these new regulations would violate the rights of the Plaintiffs' religious liberty. Defendant Obama has openly expressed disdain for citizens like the Plaintiffs who "cling to their bibles."

The conditions the Plaintiffs live under are surreal in that it is obvious these inmates are men and not women. They wake up to shave just like any other man, come out of bathroom stalls without fully pulling up their pants, while ogling women in the nearby shower area.

There has been coordinated attacks by these men against women to stop this litigation, receiving assistance from Defendant Soza, who blackmailed Plaintiff Fleming, by stating the Plaintiff would be placed in segregation and put under investigation for "sexually harassing" the transgender inmates for filing claims with the court. Lt. Soza has routinely advocated for transgender inmates and made it a personal crusade to "enforce their right to be at Carswell," while turning her head when these men attack women, some elderly over something as petty as a television.

Employees who do not support having men in a women's prisons have been threatened with loss of employment, loss of promotions, and/or being labeled homophobic if they do not support the full implementation of the Defendants' new regulations, even when they hear threats of rape or witness assaults on women by these men.

The Defendants have made special accommodations in their regulations for male transgender inmates by giving them the option of single use intimate facilities if they do not want to shower with women. The Plaintiffs and other women inmates have no options. Defendant Upton has stated in many responses to inmates that he is enforcing the policies of the president.

At any time, the Plaintiffs are subject to government sanctioned rape when placed in the Special Housing Unit known as the SHU. Women have been locked in these cells for months with these men, exposed to their genitals and forced to shower in a locked cell with bi-sexual men.

One male transgender was in the SHU and did not want a certain female inmate in his cell, so he told the officers if the woman was put in his cell, he would rape her. This man was 6'5" and weighed over 200 pounds. No female inmate would be able to protect herself against such a large man.

Another male inmate argued with a female inmate and during the argument stated, "I will F--k y-- in your a...!" No action is taken against such vile threats to women.

Instead, there has been a concerted effort to hide the sexual misconduct of these men so that the Democrats

can put out a false narrative that these men were able to transition in a women's prison without any problems, a narrative which is false, because everyday there is a controversy with these men.

The fact is that the Defendants knowingly endangered the Plaintiffs and deprived them of their religious liberty, by placing dangerous, violent, mentally ill, large men in a women's prison. All of them are under the care of a psychiatrist and exhibit violence against the Plaintiffs and other women because they have a hate for women.

The Defendants were aware of the likelihood of harm to women, but ignored these facts in their quest for more voters. The Defendants committed sex discrimination because their policies do not harm male inmates at men's prisons, only women. The transgender men and women are all at the women's prison, so the Plaintiffs are overwhelmed with mentally ill people pretending to be a sex they were not born to be.

The Plaintiffs have been forced to participate in the treatment of these men that identify as women, against their religious beliefs, where the correctional staff openly state that "these men need to live with women" because they suffer with gender dysphoria disorder which requires housing these men with the Plaintiffs for their proper transition into womanhood. The Plaintiffs are so disgusted to the point of physical illness at being forced to live with men that are running a scam on taxpayers.

It was obvious that placing men in a women's prison would substantially burden the Plaintiffs' exercise of their religious beliefs and cause the Plaintiffs to substantially modify their behavior and to violate their religious beliefs of morality, modesty, dignity, and bodily privacy. The Plaintiffs are forced everyday to expose themselves to men and be exposed to male nudity. Male inmates put on a dress uniform and sit with their legs wide open, exposing their genitals to women for their sexual gratification and no action is taken by the Defendants. This is a sick, disgusting environment for any person to live in everyday, made worse by the lack of protection by the Defendants.

Defendants Obama, Wasserman-Schultz, Holder, and Lynch, along with other Defendant Unknown government and DNC employees, formulated new regulations which allowed men to have access to women's intimate facilities, in our communities and prisons, with the knowledge that their decisions would harm women in America, by causing emotional trauma, distress, anxiety, loss of dignity, and modesty, when being forced to be naked in front of men or view their nakedness, men intentionally committing sexual deviant conduct. All of the Defendants knew their decisions would harm the moral fiber of the nation and cause chaos.

Defendants Kane, Upton, Soza, and other Defendant Unknown employees were ordered by their superiors to enforce new regulations on transgender persons which a person of average intelligence and reasonableness would have known

violated the rights of women by denying their fundamental right to bodily privacy and religious liberty. The conduct was against recognized law and social norms.

The decisions to formulate these new regulations and the enforcement of the regulations completely deprived the Plaintiffs of basic human decency, their dignity, and safety.

The Plaintiffs are suffering a present, ongoing, continuous injury by the Defendants, everytime they go to the bathroom or take a shower. The Plaintiffs face a prospective injury upon their release from prison if the Court does not prevent male access to female intimate facilities in all government buildings.

#### PRAYER FOR RELIEF

The Plaintiffs pray that the Court grant the following relief:

1. Order the Department of Justice to remove all men out of women's federal prison;
2. Order a nationwide ban on opposite sex access to intimate facilities;
3. Issue a Declaratory Judgment that the Defendants actions violated:
  - a. Restoration of Religious Freedom Act;
  - b. 8th Amendment, Cruel and Unusual Punishment;
  - c. 14th Amendment, Equal Protection; and,
  - d. Administrative Procedure Act, § 553;

4. Compensatory and punitive damages of \$10,000,000, attorney fees, and costs, as well as non-monetary relief, and,
5. Any relief the Court deems necessary to do justice.

DECLARATION & VERIFICATION  
PURSUANT TO 28 U.S.C. § 1746

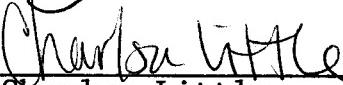
The Plaintiffs swear under penalty of perjury that the statements contained in this Amended Complaint are true and correct to the best of their knowledge.

Executed on February 11, 2017.

Respectfully Submitted,

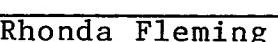
  
Rhonda Fleming

  
Jeanette Driever

  
Charlsa Little

CERTIFICATE OF SERVICE

In accordance with FRCVP, Rule 5, the Plaintiffs move Counsel for the Defendants to accept service by the electronic filing of this Amended Complaint, with the exception of Defendant Wasserman-Schultz and the DNC. Upon issuance of the summons by the Clerk, the Plaintiffs will perform service by certified mail. Written waiver is required.

  
Rhonda Fleming